

ASSEMBLY BILL

No. 2057

Introduced by Assembly Member Bonilla

February 20, 2014

An act to amend Section 60640 of the Education Code, relating to pupil assessment, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2057, as introduced, Bonilla. Pupil assessment: consortium alternate performance assessments.

Existing law establishes the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The MAPP is composed of (1) a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified, (2) science grade level assessments in grades 5, 8, and 10, measuring specified content standards, (3) the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified, and (4) the Early Assessment Program. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent of Public Instruction, the State Board of Education, and affected local educational agencies.

This bill would provide that a consortium alternate performance assessment in English language arts and mathematics that measures specified content standards would be administered in grades 3 to 8, inclusive, and grade 11 instead of the California Alternate Performance

Assessment being administered in grades 2 to 11, inclusive, in English language arts and mathematics. The bill would further provide that, in the 2013–14 school year only, the consortium alternate performance assessment in English language arts and mathematics would be a pilot test only, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60640 of the Education Code is amended
2 to read:

3 60640. (a) There is hereby established the Measurement of
4 Academic Performance and Progress, to be known as the MAPP.

5 (b) Commencing with the 2013–14 school year, the MAPP shall
6 be composed of all of the following:

7 (1) (A) A consortium summative assessment in English
8 language arts and mathematics for grades 3 to 8, inclusive, and
9 grade 11 that measures content standards adopted by the state
10 board.

11 (B) In the 2013–14 school year, the consortium summative
12 assessment in English language arts and mathematics shall be a
13 field test only, to enable the consortium to gauge the validity and
14 reliability of these assessments and to conduct all necessary
15 psychometric procedures and studies, including, but not necessarily
16 limited to, achievement standard setting, and to allow the
17 department to conduct studies regarding full implementation of
18 the assessment system. These field tests and results shall not be
19 used for any other purpose, including the calculation of any
20 accountability measure.

21 (2) (A) Science grade level assessments in grades 5, 8, and 10
22 that measure content standards pursuant to Section 60605, until a
23 successor assessment is implemented pursuant to subparagraph
24 (B).

25 (B) For science assessments, the Superintendent shall make a
26 recommendation to the state board as soon as is feasible after the
27 adoption of science content standards pursuant to Section 60605.85
28 regarding the assessment of the newly adopted standards. Before

making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

- (i) Grades 3 to 5, inclusive.
- (ii) Grades 6 to 9, inclusive.
- (iii) Grades 10 to 12, inclusive.

(3) (A) *A consortium alternate performance assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted pursuant to Section 60605.*

(B) *In the 2013–14 school year only, a local educational agency may administer either the pilot tests of the consortium alternate performance assessment in English language arts and mathematics or the California Alternate Performance Assessment. If a local educational agency administers the pilot test, the assessment shall be a pilot test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. The pilot test and results shall not be used for any other purpose, including the calculation of an accountability measure.*

~~(3)~~

(4) ~~The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment for this subject matter is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).~~

~~(4)~~

(5) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.

1 ~~(5)~~

2 (6) (A) The department shall make available to local educational
3 agencies a primary language assessment aligned to the English
4 language arts standards adopted pursuant to Section 60605, as it
5 read on January 1, 2013, for assessing pupils who are enrolled in
6 a dual language immersion program that includes the primary
7 language of the assessment and who are either nonlimited English
8 proficient or redesignated fluent English proficient. The cost for
9 the assessment shall be the same for all local educational agencies,
10 and shall not exceed the marginal cost of the assessment, including
11 any cost the department incurs to implement this section.

12 (B) A local educational agency may administer a primary
13 language assessment aligned to the English language arts standards
14 adopted pursuant to Section 60605, as it read on January 1, 2013,
15 at its own expense, and shall enter into an agreement for that
16 purpose with the testing contractor. If the local educational agency
17 chooses to administer a primary language assessment pursuant to
18 this paragraph, the department shall reimburse the local educational
19 agency for its costs, including a per pupil apportionment to
20 administer the assessment pursuant to subdivision (I). The
21 department shall determine the procedures for reimbursement.

22 (C) The Superintendent shall consult with stakeholders,
23 including assessment and English learner experts, to determine
24 the content and purpose of a stand-alone language arts summative
25 assessment in primary languages other than English that aligns
26 with the English-language arts content standards. The
27 Superintendent shall consider the appropriate purpose for this
28 assessment, including, but not necessarily limited to, support for
29 the State Seal of Biliteracy and accountability. It is the intent of
30 the Legislature that an assessment developed pursuant to this
31 section be included in the state accountability system.

32 (D) The Superintendent shall report and make recommendations
33 to the state board at a regularly scheduled public meeting no sooner
34 than one year after the first full administration of the consortium
35 computer-adaptive assessments in English language arts and
36 mathematics summative assessments in grades 3 to 8, inclusive,
37 and grade 11, regarding an implementation timeline and estimated
38 costs of a stand-alone language arts summative assessment in
39 primary languages other than English.

1 (E) The Superintendent shall develop, and the state board shall
2 adopt, a primary language assessment. The Superintendent shall
3 administer this assessment no later than the 2016–17 school year.

4 (F) This paragraph shall be operative only to the extent that
5 funding is provided in the annual Budget Act or another statute
6 for the purpose of this section.

7 (c) No later than March 1, 2016, the Superintendent shall submit
8 to the state board recommendations on expanding the MAPP to
9 include additional assessments, for consideration at a regularly
10 scheduled public meeting. The Superintendent shall also submit
11 these recommendations to the appropriate policy and fiscal
12 committees of the Legislature and to the Director of Finance in
13 accordance with all of the following:

14 (1) In consultation with stakeholders, including, but not
15 necessarily limited to, California teachers, individuals with
16 expertise in assessing English learners and pupils with disabilities,
17 parents, and measurement experts, the Superintendent shall make
18 recommendations regarding assessments including the grade level,
19 content, and type of assessment. These recommendations shall
20 take into consideration the assessments already administered or
21 planned pursuant to subdivision (b). The Superintendent shall
22 consider the use of consortium-developed assessments, various
23 item types, computer-based testing, and a timeline for
24 implementation.

25 (2) The recommendations shall consider assessments in subjects,
26 including, but not necessarily limited to, history-social science,
27 technology, visual and performing arts, and other subjects as
28 appropriate, as well as English language arts, mathematics, and
29 science assessments to augment the assessments required under
30 subdivision (b), and the use of various assessment options,
31 including, but not necessarily limited to, computer-based tests,
32 locally scored performance tasks, and portfolios.

33 (3) The recommendations shall include the use of an assessment
34 calendar that would schedule the assessments identified pursuant
35 to paragraph (2) over several years, the use of matrix sampling, if
36 appropriate, and the use of population sampling.

37 (4) The recommendations shall include a timeline for test
38 development, and shall include cost estimates for subject areas, as
39 appropriate.

(5) Upon approval by the state board and the appropriation of funding for this purpose, the Superintendent shall develop and administer approved assessments. The state board shall approve test blueprints, achievement level descriptors, testing periods, performance standards, and a reporting plan for each approved assessment.

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the MAPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this section shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

(e) The Superintendent shall make available a paper and pencil version of any computer-based MAPP assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.

(f) (1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in English language arts. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year. The testing period established by the state board shall take into consideration the need of local educational agencies to provide makeup days for pupils who were absent during testing, as well as the need to schedule testing on electronic computing devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and

1 the department shall use existing contract savings to fund district
2 participation in one or more tests per participant. Funds for this
3 purpose shall be utilized to allow for maximum participation in
4 the field test across the state. To the extent savings in the current
5 contract are not available to fully fund this participation, the
6 department shall prorate available funds by test. Local educational
7 agencies shall bear any additional costs to administer these
8 assessments that are in excess of the contracted amount. With
9 approval of the state board and the Director of Finance, the
10 department shall amend the existing assessment contract to
11 accommodate field testing beyond the representative sample, and
12 to allow for special studies using information collected from the
13 field tests.

14 (g) From the funds available for that purpose, each local
15 educational agency shall administer assessments as determined by
16 the state board pursuant to paragraph (5) of subdivision (c).

17 (h) As feasible, the MAPP field tests shall be conducted in a
18 manner that will minimize the testing burden on individual schools.
19 The MAPP field tests shall not produce individual pupil scores
20 unless it is determined that these scores are valid and reliable.

21 (i) The governing board of a school district may administer
22 achievement tests in grades other than those required by this section
23 as it deems appropriate.

24 (j) The governing board of a school district may administer a
25 primary language assessment aligned to the English language arts
26 standards adopted pursuant to Section 60605 to a pupil identified
27 as limited English proficient enrolled in any of grades 2 to 11,
28 inclusive, who either receives instruction in his or her primary
29 language or has been enrolled in a school in the United States for
30 less than 12 months until a subsequent primary language
31 assessment aligned to the common core standards in English
32 language arts adopted pursuant to Section 60605.8 is developed
33 pursuant to paragraph ~~(5)~~ (6) of subdivision (b). If the governing
34 board of a school district chooses to administer this assessment,
35 it shall notify the department in a manner determined by the
36 department.

37 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
38 States Code, individuals with exceptional needs, as defined in
39 Section 56026, shall be included in the testing requirement of
40 subdivision (b) with appropriate accommodations in administration,

1 where necessary, and those individuals with exceptional needs
2 who are unable to participate in the testing, even with
3 accommodations, shall be given an alternate assessment.

4 (l) (1) The Superintendent shall apportion funds appropriated
5 for these purposes to local educational agencies to enable them to
6 meet the requirements of subdivisions (b) and (c).

7 (A) For the MAPP field tests administered in the 2013–14 school
8 year or later school years, the Superintendent shall apportion funds
9 to local educational agencies if funds are specifically provided for
10 this purpose in the annual Budget Act.

11 (B) The Superintendent shall apportion funds to local
12 educational agencies to enable them to administer assessments
13 used to satisfy the voluntary Early Assessment Program in the
14 2013–14 school year pursuant to paragraph ~~(4)~~ (5) of subdivision
15 (b).

16 (2) The state board annually shall establish the amount of
17 funding to be apportioned to local educational agencies for each
18 test administered and annually shall establish the amount that each
19 contractor shall be paid for each test administered under the
20 contracts required pursuant to Section 60643. The amounts to be
21 paid to the contractors shall be determined by considering the cost
22 estimates submitted by each contractor each September and the
23 amount included in the annual Budget Act, and by making
24 allowance for the estimated costs to school districts for compliance
25 with the requirements of subdivisions (b) and (c). The state board
26 shall take into account changes to local educational agency test
27 administration activities under the MAPP, including, but not limited
28 to, the number, type of tests administered, and changes in
29 computerized test registration and administration procedures, when
30 establishing the amount of funding to be apportioned to local
31 educational agencies for each test administered.

32 (3) An adjustment to the amount of funding to be apportioned
33 per test shall not be valid without the approval of the Director of
34 Finance. A request for approval of an adjustment to the amount
35 of funding to be apportioned per test shall be submitted in writing
36 to the Director of Finance and the chairpersons of the fiscal
37 committees of both houses of the Legislature with accompanying
38 material justifying the proposed adjustment. The Director of
39 Finance is authorized to approve only those adjustments related
40 to activities required by statute. The Director of Finance shall

1 approve or disapprove the amount within 30 days of receipt of the
2 request and shall notify the chairpersons of the fiscal committees
3 of both houses of the Legislature of the decision.

4 (m) For purposes of making the computations required by
5 Section 8 of Article XVI of the California Constitution, the
6 appropriation for the apportionments made pursuant to paragraph
7 (1) of subdivision (I), and the payments made to the contractors
8 under the contracts required pursuant to Section 60643 or
9 subparagraph (C) of paragraph (1) of subdivision (a) of Section
10 60605 between the department and the contractor, are "General
11 Fund revenues appropriated for school districts," as defined in
12 subdivision (c) of Section 41202, for the applicable fiscal year,
13 and included within the "total allocations to school districts and
14 community college districts from General Fund proceeds of taxes
15 appropriated pursuant to Article XIII B," as defined in subdivision
16 (e) of Section 41202, for that fiscal year.

17 (n) As a condition to receiving an apportionment pursuant to
18 subdivision (I), a local educational agency shall report to the
19 Superintendent all of the following:

20 (1) The pupils enrolled in the local educational agency in the
21 grades in which assessments were administered pursuant to
22 subdivisions (b) and (c).

23 (2) The pupils to whom an achievement test was administered
24 pursuant to subdivisions (b) and (c) in the local educational agency.

25 (3) The pupils in paragraph (1) who were exempted from the
26 test pursuant to this section.

27 (o) The Superintendent and the state board are authorized and
28 encouraged to assist postsecondary educational institutions to use
29 the assessment results of the MAPP, including, but not necessarily
30 limited to, the grade 11 consortium summative assessments in
31 English language arts and mathematics, for academic credit,
32 placement, or admissions processes.

33 (p) Subject to the availability of funds in the annual Budget Act
34 for this purpose, and exclusive of the consortium assessments, the
35 Superintendent, with the approval of the state board, annually shall
36 release to the public test items from the achievement tests pursuant
37 to Section 60642.5 administered in previous years. Where feasible
38 and practicable, the minimum number of test items released per
39 year shall be equal to 25 percent of the total number of test items
40 on the test administered in the previous year.

1 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
2 of Title 5 of the California Code of Regulations shall be revised
3 by the state board to conform to the changes made to this section
4 in the first year of the 2013–14 Regular Session. The state board
5 shall adopt initial regulations as emergency regulations to
6 immediately implement the MAPP assessments, including, but
7 not necessarily limited to, the administration, scoring, and reporting
8 of the tests, as the adoption of emergency regulations is necessary
9 for the immediate preservation of the public peace, health, safety,
10 or general welfare within the meaning of Section 11346.1 of the
11 Government Code. The emergency regulations shall be followed
12 by the adoption of permanent regulations, in accordance with the
13 Administrative Procedure Act (Chapter 3.5 (commencing with
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
15 Code).

16 SEC. 2. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the Constitution and shall go into
19 immediate effect. The facts constituting the necessity are:

20 In order for the changes made by this act to be in place during
21 the 2013–14 school year, it is necessary for this act to take effect
22 immediately.